



MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
ENFORCEMENT PROGRAM
1426 HOWE AVENUE, SUITE #93
SACRAMENTO, CA 95825
(916) 263-1647

JOHN C. LANCARA
Chief of Enforcement

December 26, 1996

Eileen Eastman, Executive Secretary
California Conference of Local Health Officers
Department of Health Services
P. O. Box 942732
Sacramento, CA 94234-7320

Dear Eileen:

Enclosed is a copy of the changes impacting Sections 1364.10, 1364.11 and 1364.15 of Division 13 of Title 16 of the California Code of Regulations concerning the Board's Citation and Fine Program. They became effective on December 24, 1996.

If you have questions or would like further information, please contact me at (916) 263-1647.

Sincerely,

APRIL ROHDE

Staff Services Analyst
Citation and Fine Program

Enclosure

The Medical Board of California of the Department of Consumer Affairs hereby amends Sections 1364.10 and 1364.11, and adopts Section 1364.15 in Division 13 of Title 16 of the California Code of Regulations to read as follows:

1364.10. Citations and Fines.

(a) For purposes of this article, "board official" shall mean the chief, deputy chief or ~~area supervisor~~ supervising investigator II of the enforcement program of the board or the program manager of the Division of Licensing of the board.

(b) A board official is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed physician or surgeon of the statutes referred to in Section 1364.11.

(c) A citation shall be issued whenever any fine is levied or any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

NOTE: Authority cited: Sections 125.9, 148 and 2018, Business and Professions Code.
Reference: Sections 125.9 and 148, Business and Professions Code.

1364.11. Citable Offenses.

The amount of any fine to be levied by a board official shall take into consideration the factors listed in subdivision (b)(3) of Section 125.9 of the code and shall be within the range set forth below.

(a) A board official may issue a citation under Section 1364.10 for a violation of the provisions listed in this section. The fine for a violation of the following code sections shall be from \$100 to \$2500:

- (1) Business and Professions Code Section 119
- (2) Business and Professions Code Section 125
- (3) Business and Professions Code Section 125.6
- (4) Business and Professions Code Section 475(a)(1)
- (5) Business and Professions Code Section 496
- (6) Business and Professions Code Section 650

- (7) Business and Professions Code Section 650.1
- (8) Business and Professions Code Section 651
- (9) Business and Professions Code Section 654
- (10) Business and Professions Code Section 654.1
- (11) Business and Professions Code Section 654.2
- (12) Business and Professions Code Section 655.5
- (13) Business and Professions Code Section 655.6
- (14) Business and Professions Code Section 702
- (15) Business and Professions Code Section 730
- (16) Business and Professions Code Section 732
- ~~(16)~~ (17) Business and Professions Code Section 810
- ~~(17)~~ (18) Business and Professions Code Section 2021
- ~~(18)~~ (19) Business and Professions Code Section 2052
- ~~(19)~~ (20) Business and Professions Code Section 2054
- ~~(20)~~ (21) Business and Professions Code Section 2065
- ~~(21)~~ (22) Business and Professions Code Section 2066
- ~~(22)~~ (23) Business and Professions Code Section 2072
- ~~(23)~~ (24) Business and Professions Code Section 2073
- ~~(24)~~ (25) Business and Professions Code Section 2097
- (26) Business and Professions Code Section 2221.1
- (27) Business and Professions Code Section 2234 only for a violation of one of the following:
 - (A) Business and Professions Code Section 802(b)
 - (B) Business and Professions Code Section 802.1
 - (C) Health and Safety Code Section 102795
 - (D) Health and Safety Code Section 102800
 - (E) Health and Safety Code Section 120250
 - (F) Health and Safety Code Section 121362
 - (G) Health and Safety Code Section 121363
 - (H) Title 17 California Code of Regulations Section 2500
- (28) Business and Professions Code Section 2236

~~(25)~~ (29) Business and Professions Code Section 2238
(30) Business and Professions Code Section 2243
~~(26)~~ (31) Business and Professions Code Section 2250
~~(27)~~ (32) Business and Professions Code Section 2255
~~(28)~~ (33) Business and Professions Code Section 2256
~~(29)~~ (34) Business and Professions Code Section 2257
~~(30)~~ (35) Business and Professions Code Section 2259
~~(31)~~ (36) Business and Professions Code Section 2261
~~(32)~~ (37) Business and Professions Code Section 2262
~~(33)~~ (38) Business and Professions Code Section 2263
~~(34)~~ (39) Business and Professions Code Section 2264
~~(35)~~ (40) Business and Professions Code Section 2265
(41) Business and Professions Code Section 2266
~~(36)~~ (42) Business and Professions Code Section 2271
~~(37)~~ (43) Business and Professions Code Section 2272
~~(38)~~ (44) Business and Professions Code Section 2273
~~(39)~~ (45) Business and Professions Code Section 2274
~~(40)~~ (46) Business and Professions Code Section 2285
~~(41)~~ (47) Business and Professions Code Section 2286
~~(42)~~ (48) Business and Professions Code Section 2305
~~(43)~~ (49) Business and Professions Code Section 2400
~~(44)~~ (50) Business and Professions Code Section 2415
~~(45)~~ (51) Business and Professions Code Section 2439
~~(46)~~ (52) Business and Professions Code Section 2440
~~(47)~~ (53) Business and Professions Code Section 2441
~~(48)~~ (54) Business and Professions Code Section 2630
~~(49)~~ (55) Business and Professions Code Section 3516
~~(50)~~ (56) Business and Professions Code Section 4231
~~(51)~~ (57) Business and Professions Code Section 4232
~~(52)~~ (58) Business and Professions Code Section 17500
~~(53)~~ (59) Title 16 California Code of Regulations Section 1338(c)

~~(54)~~ ~~(60)~~ Health and Safety Code Section 123110(a)(b)₂

~~(55)~~ Health and Safety Code Section 10203

~~(56)~~ Health and Safety Code Section 10204

~~(57)~~ Health and Safety Code Section 11167

~~(58)~~ Health and Safety Code Section 11168

~~(59)~~ Health and Safety Code Section 11190

~~(60)~~ Health and Safety Code Section 11191

(61) Penal Code Section 11166

(b) In his or her discretion, a board official may issue a citation with an order of abatement without levying a fine for the first violation of any provision set forth above.

NOTE: Authority cited: Sections 125.9, 148 and 2018, Business and Professions Code.

Reference: Sections 125.9₂ and 148₁ Business and Professions Code.

and 2234

1364.15. Public Disclosure: Record Retention.

Every citation that is issued pursuant to this article shall be disclosed to an inquiring member of the public. It shall be purged five (5) years from the date of issuance. A citation that has been withdrawn or dismissed shall be purged immediately upon being withdrawn or dismissed.

NOTE: Authority cited: Sections 125.9, 148 and 2018, Business and Professions Code.

Reference: Sections 125.9 and 148, Business and Professions Code.

DATED: August 19, 1996



RON JOSEPH, Executive Director
Medical Board of California

Approved this 9 day of OCTOBER, 1996.



RAY SAATJIAN, Deputy Director
Department of Consumer Affairs